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OFFICE OF PETITIONS

In re Patent No. 7,625,397 :
Issue Date: December 1, 2009 :
Application No. 09/954,646 : **DECISION ON PETITION**
Filed: September 18, 2001 :
Attorney Docket No. DEV0777US.0578375 :

This is a decision on the Petition to Expunge, filed July 27, 2010 which is being treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that papers filed on November 17, 2009, be expunged from the record.
Petitioner states this paper was filed unintentionally.

In regard to the requirements for a petition to expunge information filed unintentionally, MPEP 724.05(II) states in part:

II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION

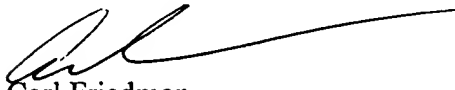
A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

- (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
- (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The condition set forth in item (A) cannot be met since the patent has issued.
The petition does not have a statement in regard to item (D).
For these reasons the petition cannot be granted.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.



Carl Friedman
Petitions Examiner
Office of Petitions